

REMARKS

Claims 1-17 are currently pending, wherein claim 1 has been amended. Favorable reconsideration is respectfully requested in view of the remarks presented herein below.

In paragraph 6 of the final Office action ("Action"), the Examiner rejects claims 1 and 16 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,661,811 to Huemann et al. ("Huemann") in view of U.S. Patent No. 6,330,337 to Nicholson et al. ("Nicholson"). Applicants respectfully traverse this rejection.

In order to support a rejection under 35 U.S.C. § 103, the Examiner must establish a *prima facie* case of obviousness. To establish a *prima facie* case of obviousness three criteria must be met. First, there must be some motivation to combine the cited references. Second, there must be a reasonable expectation of success. Finally, the combination must teach each and every claimed element. In the present case, claims 1 and 16 are patentable over the combination of Huemann and Nicholson for at least the reason that the combination fails to disclose or suggest an onboard audio visual system that includes, *inter alia*, a first signal attenuator for abruptly attenuating an input signal to said headphone independently of an input signal provided to the rear-seat speaker as claimed.

In rejecting claim 1, the Examiner asserts that "if commands from the rear control are compatible with commands from the front control then the microprocessor proceeds to send out command functions including activate a speaker/headphone switch 54 for selectively connecting the headphones; volume control 56 is provided for the headphones, volume control implicitly can attenuate or increase the input signal to the headphone". Although the Examiner is correct that the volume control 56 implicitly attenuates the audio signal supplied to the headphones, the Examiner's conclusion that the volume control 56 is equivalent to the claimed first signal attenuator is unfounded for the following reasons.

First, Huemann fails to disclose or suggest controlling the volume control 56 such that it abruptly attenuates an input signal so that the volume is zero. To the contrary, Huemann teaches a different type of device in which the volume is controlled in increments. Second, even if the volume control 56 were controlled to abruptly attenuate the audio signal, Huemann still fails to disclose attenuating an input signal to said headphone *independently* of an input signal provided

to the rear-seat speaker. To the contrary, Huemann clearly discloses that the rear audio signal is provided either to the rear speakers 36 *or* the headphones 38. Therefore Huemann cannot possibly disclose a first signal attenuator for abruptly attenuating an input signal to said headphone independently of an input signal provided to the rear-seat speaker as claimed.

Since Huemann and Nicholson both each fail to disclose or suggest an onboard audio visual system that includes, *inter alia*, a first signal attenuator for abruptly attenuating an input signal to said headphone independently of an input signal provided to the rear-seat speaker as claimed, the combination of these two references cannot possibly disclose or suggest said element. Therefore, even if one skilled in the art were motivated to combine Huemann and Nicholson, the combination would still fail to render claims 1 and 16 unpatentable because the combination fails to disclose each and every claimed element. Reconsideration and withdrawal of the rejection of claims 1 and 16 is respectfully requested.

In paragraph 8 of the Action, the Examiner rejects claim 17 under 35 U.S.C. § 103(a) as being unpatentable over Huemann in view of Nicholson, further in view of Great Britain publication no. GB 2 246 688 A to Smith et al. ("Smith"). Applicants respectfully traverse this rejection.

Claim 17 depends from independent claim 1. Therefore, claim 17 is patentable over the combination of Huemann and Nicholson for at least those reasons presented above with respect to claim 1. Smith discloses an electrical circuit for use in a headset communications system for wear in an environment with a high level of background noise. The circuit of Smith includes an attenuator 5 which receives a combined noise and speech input signal and a monitor 6 which monitors the input signal and controls operation of the attenuator. However, Smith fails to overcome the above deficiencies of Huemann and Nicholson.

Since Huemann, Nicholson, and Smith each fail to disclose or suggest an onboard audio visual system that includes, *inter alia*, a first signal attenuator for abruptly attenuating an input signal to said headphone independently of an input signal provided to the rear-seat speaker as claimed, the combination of these three references cannot possibly disclose or suggest said element. Therefore, even if one skilled in the art were motivated to combine Huemann, Nicholson, and Smith, the combination would still fail to render claim 17 unpatentable because

the combination fails to disclose each and every claimed element. Reconsideration and withdrawal of the rejection of claim 17 is respectfully requested.

The application is in condition for allowance. Notice of same is earnestly solicited. Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Penny Caudle Reg. No. 46,607 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

By Penny Caudle #46,607
Chad J. Billings
Registration No.: 48,917
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000